

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ANDRE JUSTE,

Plaintiff,

v.

Civil Action No. 3:18CV625

JEFFREY B. SESSIONS, III, *et al.*,

Defendants.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate, has submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Juste v. Sessions*, No. 17-1503, 2017 WL 5256216, at \*1 (2d Cir. Nov. 6, 2017); *Juste v. Vilardo*, No. 6:17-CV-06842 EAW, 2018 WL 401522, at \*4 (W.D.N.Y. Jan. 12, 2018); *Juste v. Kerry*, No. 17-327, 2017 WL 1251144, at \*4 (W.D. Pa. Apr. 5, 2017); *Juste v. Lindsay*, No. 15-168, 2015 WL 875363, at \*2 (W.D. Pa. Mar. 2, 2015). Plaintiff's current complaint does not suggest that he is in imminent danger of serious physical harm. Accordingly, his request to proceed *in forma pauperis* will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE.

Plaintiff remains free to submit a new complaint with the full \$400 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Order shall accompany this Memorandum Opinion.

It is so ORDERED.

OCT 19 2018  
Date:  
Richmond, Virginia

 /s/  
M. Hannah Dauk  
United States District Judge

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